

NATIONAL PARK SERVICE ADMINISTRATIVE REFORM ACT  
OF 1996

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SEPTEMBER 17, 1996.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 2941]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2941) to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Park Service Administrative Reform Act of 1996”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. National Park Service Housing Improvement Act.
- Sec. 3. Minor boundary revision authority.
- Sec. 4. Authorization for certain park facilities to be located outside of units of the National Park System.
- Sec. 5. Elimination of unnecessary congressional reporting requirements.
- Sec. 6. Senate confirmation of the Director of the National Park Service.
- Sec. 7. National Park System Advisory Board authorization.
- Sec. 8. Challenge cost-share agreement authority.
- Sec. 9. Cost recovery for damage to national park resources.

**SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT.**

(a) **PURPOSES.**—The purposes of this section are—

- (1) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;
- (2) to expand the alternatives available for construction and repair of essential government housing;
- (3) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(4) to provide increased opportunities for the ownership of housing by field employees, together with the equity and tax benefits associated with home ownership;

(5) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(6) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(b) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereinafter in this section referred to as “the Secretary”), acting through the Director of the National Park Service, to effectively manage units of the National Park System, and notwithstanding any provision of section 5536 of title 5, United States Code, the Secretary is authorized where necessary and justified to make available employee housing and essential amenities, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at a reasonable value commensurate with rent or leasing of housing of comparable value in the local community.

(c) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. The review and revision shall include consideration of the following criteria:

(1) Required occupancy (whether and under what circumstances the Park Service requires, as a condition of employment, that an employee live at a particular site or in a specific geographic area). For each instance in which occupancy is required, full consideration shall be given to the concept of adequate response time.

(2) Availability and adequacy of non-Federal housing in the geographic area, including consideration of the degree of isolation (the time and distance that separate other potential housing from the workplace of a Park Service employee).

(3) Category of employment (seasonal or permanent).

(4) Any other factor that the Secretary considers appropriate.

(d) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by subsection (c) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(e) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under subsection (c), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by subsections (c) and (e) has been completed, the Secretary is authorized pursuant to the authorities contained in this Act, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(1) LEASE TO BUILD PROGRAM.—The Secretary may—

(A) lease Federal land and interests in land to qualified persons for the construction of field employee quarters and essential amenities for any period not to exceed 50 years; and

(B) lease developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures, except that a lease to a field employee

housing cooperative may be awarded noncompetitively if construction on the leased land is then competitively bid or competitively negotiated.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(C) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure;

(D) may provide that, upon termination of the lease, the contractor shall abandon the quarters constructed on the property subject to such lease and thereafter ownership shall vest in the United States or restore the property to its natural state; and

(E) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(4) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments or contributions in kind to reduce the costs of planning, construction, or rehabilitation of quarters under a lease under this subsection.

(5) THIRD PARTY PARTICIPATION.—A lease under this subsection may include provision for participation by a third party, when third party presence is needed or required, and approved by the Secretary concerned.

(h) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—The Secretary may enter into a lease to build arrangement as set forth in subsection (c) with further agreement to guarantee, the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this subsection shall be in writing.

(2) LIMITATIONS.—The Secretary may not guarantee—

(A) the occupancy of more than 97 percent of the units constructed or rehabilitated under such lease; and

(B) a rental rate that exceeds the rates established under subsection (j)(3).

(3) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary concerned to utilize for housing purposes any units for which the guarantee is made.

(4) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(i) JOINT DEVELOPMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(2) CONDITION.—The Secretary may condition private development upon provision and management of field employee housing for the Federal Government in the affected location.

(j) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—The Secretary may enter into contracts for the management, repair, and maintenance of field employee quarters.

(2) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that safe, affordable quarters are available to that agency's field employees.

(3) RENTS.—Notwithstanding any other provision of law, any such contract may provide for the setting of rents at rates to be determined by the Secretary in accordance with subsection (m)(2) of this section and for their collection.

(k) JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.—

(1) SALE OF QUARTERS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may sell field employee quarters to field employees of the agency or a cooperative whose membership is made up exclusively of field employees of the agency.

- (B) INTEREST IN LANDS.—The Secretary may only sell a leasehold interest in lands attendant to the sale of any quarters under subparagraph (A).
- (2) LEASE OF QUARTERS.—The Secretary may lease Federal land to field employees of the National Park Service or a cooperative made up of field employees of the National Park Service for purposes of constructing employee housing and essential amenities.
- (3) RIGHT OF FIRST REFUSAL.—The Secretary shall have right of first refusal when any property transferred under this subsection is for sale.
- (4) COVENANTS.—The Secretary may establish and enforce such covenants as may be appropriate to the property, upon its sale by the Secretary under this subsection.
- (5) FAIR MARKET VALUE.—The Secretary may sell or transfer employee quarters under this subsection for less than fair market value if the Secretary determines that such a sale or transfer will improve the quality of field employee quarters available and keep the quarters affordable at the salary ranges of field employees normally occupying them.
- (6) RULE OF CONSTRUCTION.—Disposal of employee quarters under this subsection to field employees and cooperatives whose membership is made up exclusively of field employees shall not be considered disposal of excess Federal real property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).
- (7) NOTICE.—The Secretary may not take any action authorized pursuant to this section until 180 days after the Secretary submits a report to the appropriate congressional committees respecting the authority of this subsection.
- (l) LEASING OF SEASONAL EMPLOYEE QUARTERS.—
- (1) GENERAL AUTHORITY.—Subject to paragraph (2), the Secretary may lease quarters at or near a unit of the park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be that amount which is equal to reasonable value.
- (2) LIMITATION.—The Secretary may only issue a lease under paragraph (1) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—
- (A) the requirement for such seasonal field employee quarters is temporary; or
- (B) leasing would be more cost effective than construction of new seasonal field employee quarters.
- (3) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this subsection from annual appropriations for the year in which such lease is made.
- (4) RENTAL TO NONGOVERNMENTAL PERSONS.—The Secretary may rent seasonal quarters on Government lands to nongovernment persons during those times that such units are not required for seasonal employees, except that the Secretary may only rent such quarters if the Secretary determines the rent exceeds the cost of providing such quarters.
- (m) SURVEY OF EXISTING FACILITIES.—The Secretary shall—
- (1) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for the effective prosecution of the agency mission, using existing information; and
- (2) develop a agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.
- (n) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under subsection (m), in sequential order, to the maximum extent practicable.
- (o) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include for each agency under this section, identification of non-construction funds to be spent for housing maintenance and operations which are in addition to rental receipts collected.
- (p) EMPLOYEE TRANSPORTATION.—The Secretary may use applicable appropriations of the National Park System for transportation to and from work, outside of regular working hours, of field employees, residing in or near a national park system unit, such transportation to be between the unit and the city, or intervening points, at reasonable rates to be determined by the Secretary taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the current appropriation account available for administration of the

park system unit concerned and shall be available to the Secretary for obligation or expenditure, notwithstanding section 1341 of title 31, United States Code, for administration of such unit. Any surplus proceeds shall be retained by the agency for those purposes until expended. If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the services contemplated by this subsection shall not be offered.

(q) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than government housing. The study shall specifically examine the feasibility of providing rental subsidies to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(r) GENERAL PROVISIONS.—

(1) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which could impact primary resource values of the area or adversely affect the mission of the agency. Any construction carried out under this section shall be fully consistent with approved land management agency plans.

(2) RENTAL RATES.—

(A) ESTABLISHMENT.—The Secretary shall establish reasonable value rental rates for all quarters occupied by field employees of land management agencies.

(B) ANNUAL ADJUSTMENTS.—The Secretary may annually make an adjustment for a calendar year in the rental rates established under paragraph (1). Such adjustment may not exceed the Department of Labor's then applicable Consumer Price Index Residential Rent Series annual adjustment factor except for increases attributable to utility rates and other Government provided services and improvements provided by the United States.

(3) AVAILABILITY OF QUARTERS.—In carrying out this section and section 5911 of title 5, United States Code, with respect to land management agencies, the Secretary shall determine the availability of quarters on the basis of the existence, within reasonable commuting range of well-constructed and maintained housing suitable to the individual and family needs of the field employee at a reasonable value.

(4) EXEMPTION FROM NPS LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601–22) shall not apply to the issuance by the Secretary of leases under this section.

(s) PROCEEDS.—The proceeds from any lease under subsection (g)(1)(A)(i), any sale or lease under subsection (k)(1), and any lease of seasonal quarters under subsection (l), may, notwithstanding section 3302 of title 31, United States Code, be retained by the land management agency entering into such sale or lease. Such proceeds shall be credited to the current appropriation account available for payment of costs related to the housing program, including administration, maintenance, repair, rehabilitation, and construction activities. Such proceeds shall be available to the agency, notwithstanding section 1341 of title 31, United States Code, for obligation or expenditure by the agency for such purposes and shall be retained by the agency for those purposes until expended.

(t) DEFINITIONS.—For purposes of this section:

(1) The term “essential amenities” means day care, laundromats, and recreational facilities and such other amenities as the Secretary deems appropriate.

(2) The term “field employee” means an employee who is exclusively assigned to perform duties at a field unit and does not include any person assigned to any regional or other central office. A field employee shall include Government employees, volunteers, concession employees, school teachers, cooperating association personnel and other essential cooperators.

(3) The term “land management agency” means the National Park Service, Department of the Interior.

(4) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(5) The term “quarters” means quarters owned or leased by the Government.

(6) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 180 days or less.

**SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.**

Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

(2) By striking “: *Provided, however,*” and all that follows through “1965” and inserting the following after the first sentence: “In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:

“(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

“(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

“(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

“(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

“(5) The proposed boundary has been subject to a public review and comment period.

“(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.”.

**SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE OF UNITS OF THE NATIONAL PARK SYSTEM.**

Section 4 of the Act entitled “An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” approved August 18, 1970 (16 U.S.C. 1a–1 et seq.), is amended to read as follows:

**“SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.**

“(a) **AUTHORITY.**—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

“(1) avoid undue degradation of the primary natural or cultural resources within the unit;

“(2) enhance service to the public; or

“(3) provide a cost saving to the Federal Government.

“(b) **AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.**—For the purpose of establishing facilities under subsection (a):

“(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

“(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may lease or acquire (from willing sellers only) by purchase or donation, real property (other than Federal land), for the purposes specified in this section.

“(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

“(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

“(B) compromise the integrity, or the appearance of integrity, of the Department’s programs or of any official involved in those programs.

“(4) The Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.

“(c) COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.—The Secretary is authorized to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing.”.

#### SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.

(a) REPEALS.—The following provisions are hereby repealed:

(1) Section 302(c) of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95–344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(2) Section 503 of the Act of December 19, 1980 (Public Law 96–550; 94 Stat. 3228; 16 U.S.C. 410ii–2).

(3) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97–335; 96 Stat. 1628; 16 U.S.C. 341 note).

(4) Section 7 of Public Law 89–671 (96 Stat. 1457; 16 U.S.C. 284f).

(5) Section 3(c) of the National Trails System Act (Public Law 90–543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(6) Section 4(b) of the Act of October 24, 1984 (Public Law 98–540; 98 Stat. 2720; 16 U.S.C. 1a–8).

(7) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90–264; 82 Stat. 44; 40 U.S.C. 805(b)).

(8) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 900; 16 U.S.C. 460l–8(f)(7)).

(9) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91–383; 90 Stat. 1940; 16 U.S.C. 1a–5(b)).

(10) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90–543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(11) Section 4 of the Act of October 31, 1988 (Public Law 100–573; 102 Stat. 2891; 16 U.S.C. 460o note).

(12) Section 104(b) of the Act of November 19, 1988 (Public Law 100–698; 102 Stat. 4621).

(13) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(14) Section 105 of the Act of August 13, 1970 (Public Law 91–378; 16 U.S.C. 1705).

(15) Section 307(b) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(b)).

(b) AMENDMENTS.—The following provisions are amended:

(1) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96–95; 16 U.S.C. 470ii(c)).

(2) Section 5(c) of the Act of June 27, 1960 (Public Law 86–523; 16 U.S.C. 469a–3(c); 74 Stat. 220), by inserting a period after “Act” and striking “and shall submit” and all that follows.

(3) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 903; 16 U.S.C. 460l–9(a)(3)), by striking the last sentence.

(4) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 104 Stat. 278), by striking out the second sentence.

(5) Section 307(a) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(a)) is amended by striking the first and second sentences.

(6) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470a) by inserting a period after “Register” the last place such term appears and by striking “and submitted” and all that follows.

**SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.**

(a) IN GENERAL.—The first section of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the “National Park Service Organic Act”), is amended in the first sentence by striking “who shall be appointed by the Secretary” and all that follows and inserting “who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.”

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

**SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.**

(a) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(1) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: “There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.”

(2) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated “1995” and inserting in lieu thereof “2006”.

(3) By adding the following new subsections after subsection (a):

“(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

“(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or



elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

“(c)(1) Upon request of the Director, the Board is authorized to—

- “(A) hold such hearings and sit and act at such times,
- “(B) take such testimony,
- “(C) have such printing and binding done,
- “(D) enter into such contracts and other arrangements,
- “(E) make such expenditures, and
- “(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

“(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

“(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

“(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

“(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

“(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(c) EFFECTIVE DATE.—This section shall take effect on December 7, 1997.

#### SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.

(a) DEFINITIONS.—For purposes of this section—

(1) The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(2) The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(c) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

#### SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101–337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

“(d) ‘Park system resource’ means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”.

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

“(g) ‘Marine or aquatic park system resource’ means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.”.

(3) In section 2(b) (16 U.S.C. 19jj–1(b)), by inserting “any marine or aquatic park resource” after “any park system resource”.

#### PURPOSE OF THE BILL

The purposes of H.R. 2941 are to address a number of administrative issues facing the National Park Service (NPS) including: improving the quality of employee housing, providing for generic

minor park boundary adjustment authority, authorizing the NPS to spend funds outside park boundaries for visitor and administrative facilities, reauthorization of the NPS Advisory Board, requiring the Director of the NPS be subject to Senate confirmation, eliminating unnecessary Congressional reporting requirements, and providing permanent authority for challenge cost share agreements.

## BACKGROUND AND NEED FOR LEGISLATION

### NATIONAL PARK SERVICE HOUSING

Overall the Federal Government has about 19,000 non-military housing units distributed nationwide. The most significant inventory of housing units outside of the military is with the four Federal land management agencies, which collectively have about 11,000 housing units. The quality of housing available to Federal employees is a very important issue to many employees of the Federal land management agencies, especially those persons in more remote locations, where no private sector housing is available. It is also of great importance to area managers because of its relationship to recruitment and retention of quality employees.

The General Accounting Office (GAO) has recently completed two reports on housing programs of the land management agencies (RCED 93-192 and RCED 94-284). NPS housing is in the greatest need of attention.

The NPS has an inventory of about 4,700 housing units, more than any other land management agency. About 60 percent of the housing is occupied by permanent employees, and the balance is occupied by seasonal employees. The NPS housing consists of older housing built prior to establishment of the parks, and during two major construction periods, the 1920s and 1960s. As of 1992, 40 percent of the housing was in good condition, about 45 percent was in fair condition and 15 percent was in poor condition. The NPS estimates that \$546 million is needed to address the backlog in housing; however, GAO could not verify these estimates. Since Fiscal Year 1989, Congress has appropriated about \$70 million to address this backlog of housing needs.

There is no question that housing is in need of improvement and that there are many housing horror stories. It is also clear that rental payments and appropriations for new housing construction are not going to be adequate to fully upgrade or provide long-term maintenance for the existing housing stock.

There are several issues which must be addressed in any comprehensive housing legislation. First, what steps can be taken by the agencies to reduce the need for Federal Government housing to the maximum extent possible? Second, what is the accurate estimate of costs to upgrade the existing housing stock and to maintain the housing over the long term? Third, how do we develop systems which ensure that existing funds (both appropriated and rental payments) are directed to the highest priority needs? And fourth, what authorities can be provided to develop other sources of funding for solving this problem, such as private sector funding or employee funding, where employees could earn equity from their housing payments?

## MINOR BOUNDARY ADJUSTMENTS

Each Congress, a substantial amount of work is focused on making minor boundary adjustments at various units of the park system. Currently the NPS has minor boundary adjustment authority only at certain parks in the country. That authority exists by virtue of the language in the enabling legislation of the various park areas and in the Land and Water Conservation Fund Act of 1965 for park areas established after 1965.

Often these boundary adjustments are so insignificant in the overall Congressional agenda that it can take years to secure enough Congressional support for passage. For example, legislation to modify the boundary at Independence National Historical Park by a couple of hundred square yards is now being considered by the third consecutive Congress. Of course, this does not mean this modification is not important to the NPS or the public.

As stated above, generic minor boundary adjustment authority is now provided for all NPS areas designated after 1965, and all other areas with specific legislative authority. This results in an inconsistent treatment among park areas. There is no magic to providing such authority to areas established after 1965. If it is good policy, it should apply to all areas, except where otherwise specified, without respect to an artificial qualifying date.

The current boundary adjustment authority is also inconsistent with respect to where it is applied and how it is applied. In recent years, the agency has made a number of inconsistent determinations as to what is "minor." In response to a question from the former Subcommittee Ranking Member as to what constitutes "minor," Department of the Interior Secretary Lujan declined to reveal any criteria rather than limit his administrative flexibility. Recently, Congress has enacted legislation to accept a 16-acre donation at Ocmulgee National Monument. On the other hand, the NPS made a boundary adjustment at Golden Gate National Recreation Area to add about 16 acres which includes a former Public Health Service hospital. That property represents a potential liability to the Federal Government of over \$50 million.

Therefore, it is important for the Administration and Congress to have a set of criteria by which to judge exactly what constitutes a minor boundary adjustment. Absent some clarifying criteria, future Administrations will be able to make the case that such adjustments are "minor" and can therefore proceed without Congressional scrutiny.

## EXPENDITURE OF THE PARK FUNDS OUTSIDE PARK BOUNDARIES

An Act of Congress is required whenever the NPS seeks authority to expend funds for construction outside of a park for administrative or visitor facilities, since the agency has no such generic authority. There are many instances where this is required: to establish an interagency visitor center, to provide housing for park employees outside the park, or to locate park administrative facilities at other than General Services Administration buildings outside a park area. There are currently a number of bills going through Congress which could be addressed by such generic legislation.

Generic authority for expenditure of NPS funds outside park boundaries is needed. As NPS begins to examine more innovative strategies to manage its lands and begins to work more cooperatively with others, there is a strong need to provide this administrative flexibility. This bill provides that flexibility while protecting the essential Federal Government interest.

#### NATIONAL PARK SERVICE CONGRESSIONAL REPORTING REQUIREMENTS

Over the years, numerous Congressional reporting requirements for the NPS have been enacted into law. While many of these reporting requirements probably served an important function in the past, many others are no longer necessary. At a time when Congress is attempting to downsize the agencies and reduce the overall administrative burdens, it is important to examine the need for all the reports and the cost-effectiveness of these reports.

#### SENATE CONFIRMATION OF NATIONAL PARK SERVICE DIRECTOR

Of the four Federal land management agencies, two are headed by persons subject to Senate confirmation (Bureau of Land Management and the U.S. Fish and Wildlife Service), the Forest Service chief is a career SES position and the NPS is headed by a political appointee without confirmation.

For the first 56 years of the NPS, up until George Hartzog was fired by President Nixon, the NPS was headed by a director who came from the ranks of the agency. While two of the Directors since that time have been professionals from the agency, others had little professional experience in park management.

In the past, legislation to establish the position of the NPS Director as a position subject to Senate confirmation has been carried in both the House and the Senate by Members from both parties. The language has been passed by the House twice as part of broader legislative efforts, but has never been acted on in the Senate.

No matter what approach is adopted for selection of the NPS Director, it would be impossible to take all the politics out of the selection process. Nor should all the politics be taken out; after all the Director of the NPS deals with politics every day. However, in an agency as decentralized as the NPS, the need for a strong Director is even greater. It is also important that the Director be familiar with the agency. A parade of four-year appointments is especially difficult when the Director spends the first few years just learning about the agency, and specifying qualifications will ensure the individual is better suited to undertake the task. National park superintendents are generally very supportive of professionalizing the position of the agency Director.

#### COMMITTEE ACTION

H.R. 2941 was introduced on February 1, 1996, by Congressman Joel Hefley (R-CO). The bill was referred primarily to the Committee on Resources, and in addition to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on National Parks, Forests and Lands. On March 5, 1996, the Subcommittee held a hearing on H.R. 2941, where the Subcommittee received additional testimony regarding the overall

poor quality of field employee housing and the NPS testified in support of legislative remedies to these problems. On April 18, 1996, the Subcommittee met to mark up H.R. 2941. Congressman James V. Hansen (R-UT) offered an amendment in the nature of a substitute that was adopted by voice vote. The substitute added a number of provisions to H.R. 2941, including the texts of H.R. 2067, H.R. 2065 and portions of H.R. 2025. Congressman Bruce Vento (D-MN) also offered and withdrew an amendment requiring the NPS to review and revise its criteria for housing its employees. The bill, as amended, was ordered favorably reported to the Full Committee. On June 19, 1996, the Full Resources Committee met to consider H.R. 2941. An amendment to further ensure that employee housing is only constructed where essential was offered by Congressman George Miller (D-CA) and adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

Section 1 provides the short title and table of contents for the bill.

##### SECTION 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT

Section 2 provides a comprehensive program to improve the overall quality of housing for NPS employees.

Section 2(a) outlines the purposes of the section. The legislation recognizes that provision of quality housing is important to the overall success of carrying out the mission of the agency. Further, it is clear that the quality of housing for agency personnel must be improved and that in a time of limited budgets, direct appropriations will not be adequate to accomplish the task. Therefore, the Committee supports this legislation which provides a range of innovative authorities to accomplish the goal of improving agency housing. The Committee further notes that one of the most important steps to providing a self-sufficient program of quality of employee housing is to provide such housing only where absolutely necessary.

Section 2(b) provides a general authority for the Secretary of the Interior to make housing available for NPS employees both on and off Federal lands at a reasonable value commensurate with comparable housing in the local community.

Section 2(c) directs the Secretary to review and revise criteria under which housing is provided to NPS employees. A report to Congress is provided under Section 2(d).

Section 2(g) authorizes joint public-private sector housing programs. Under this authority, the Secretary of the Interior is authorized to competitively enter into lease arrangements with the private sector to: construct new housing on Federal lands, improve existing housing on Federal lands, and to manage existing Federal housing, including the maintenance.

Section 2(h) provides for the Secretary to enter into a build to lease program with the private sector. Under this authority, the Secretary would be authorized to enter into arrangements with the

private sector to build housing in return for a guaranteed rental income.

Section 2(k) provides for the sale or lease of employee housing, including the lease of underlying lands, to employee cooperatives made up exclusively of field NPS employees. The Committee believes that this authority has great potential benefit for both the Federal Government and agency employees. Under such arrangements, the Federal Government would no longer be responsible for costs and management of housing, and the employees would gain equity and interest by becoming homeowners through the employee cooperative. Since this authority does not have precedent within the Interior Department, the Committee has added a proviso that it cannot be initiated without submittal of a report to Congress.

Section 2(l) provides for the Secretary to lease housing for seasonal employees of the NPS. The Committee understands that the greatest operational housing deficit exists for seasonal quarters, which are only occupied for a portion of the year. It appears that such quarters will continue to have a financial impact on the viability of the housing program. At the same time, the Committee recognizes that because many parks are located in resort locations, employees hired during the peak season will often be faced with abnormally high quarters rates. Therefore, this section authorizes the Secretary to provide additional funding to support such housing needs where necessary.

This section also permits the Secretary to rent seasonal quarters to non-Federal Government persons when such quarters are not needed for Federal Government use. The Committee believes that this authority has potential to help offset the negative cost flow from seasonal quarters in some locations.

Section 2(m) requires the Secretary to complete a condition assessment for employee housing and to develop a priority list for construction and rehabilitation based on this assessment. The Committee recognizes that the NPS has already completed such an assessment; however, a subsequent analysis by the GAO raises serious questions about the validity of that analysis (see GAO Report 94-294). Therefore, the Committee strongly believes that another analysis is an essential prerequisite to ensure that funds are directed to the highest priority projects.

Section 2(n) requires that appropriated funds be allocated according to the priority list established under 2(m) "to the maximum extent practicable." The Committee is aware that in the past funding allocations have been based on geopolitical consideration as much as on the basis of need. This is not acceptable. The Committee recognizes that in some cases it may not be possible to follow the nationwide priority listing, for example, if funding for basic infrastructure must be provided prior to housing construction, but expects that the priority listing will be almost always followed.

Section 2(o) requires the NPS to show in its annual budget justification the amount which the agency intends to spend on housing over and above the amount collected in rents. The Committee believes that this information will be helpful in tracking how large the funding shortfall is in the NPS housing program.

Section 2(p) authorizes the Secretary to provide at cost transportation for employees to and from work. This extends the authority

already available at Carlsbad Caverns National Park to other units of the park system. The Committee expects that under this legislation, there will be less Federal Government employee housing in parks and therefore the inclusion of this provision to facilitate commuting is appropriate.

Section 2(q) directs the Secretary to report to Congress on the use of rental subsidies as a partial solution to the housing problem facing the NPS. The Committee expects that Office of Management and Budget (OMB) will not support such an approach for the NPS, but notes that the Federal Government's largest supplier of employee housing, the Defense Department, is using this authority effectively. Therefore, the Committee has taken the unusual step of requiring the report be submitted simultaneously to Congress and OMB for review. Any other approach would prevent the Congress from receiving a full examination of the topic.

Section 2(r) enumerates several general provisions of this section. Section 2(r)(1) places certain limitations on construction of employee housing, specifically that it not impact primary park resources and that any housing constructed be consistent with the park plans. Such plans meet the requirements of public review and compliance with various Federal laws. Section 2(r)(2) sets forth the process for establishing and adjusting rental rates. Section 2(r)(4) clarifies that the Act of July 15, 1968, does not apply with regard to leases under this section. That law provides for a generic lease-back authority for the agency and is not applicable for housing purposes.

Section 2(s) provides that any funds received from leases under this section may be retained by the Secretary of the Interior, without appropriation, to assist in off-setting the costs of the overall housing program.

Section 2(t) provides the operational definitions used in the section.

### SECTION 3. MINOR BOUNDARY REVISION AUTHORITY

This section is intended to address three principle problems associated with the current process of enacting such legislation: length of time required for Congressional action, inconsistencies among parks with respect to authority for making minor boundary adjustments, and clarification of exactly what is meant by a minor boundary adjustment.

Section 3 amends section 7(c) of the Land and Water Conservation Fund Act of 1965 to provide generic minor boundary adjusting authority for the NPS. The section also lists criteria for determining whether a boundary modification is "minor", including the size of the parcel, its appraised value, whether the National Environmental Policy Act is triggered, whether public review and comment has occurred and written approval of property owners.

### SECTION 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE UNITS OF THE NATIONAL PARK SYSTEM

Section 4 provides generic authority to the NPS to construct and operate essential visitor and administrative facilities outside the boundary of park units on lands acquired by the Secretary of the Interior from willing sellers, or on lands leased by the Secretary.

This authority allows the agency to establish joint interagency visitor centers, build employee housing in adjacent communities, or locate administrative offices in adjacent communities. The legislation requires any such action be in conformance with park plans. Such authority will improve service to visitors (e.g. by siting visitor contact points in the best possible location), improve the administration of parks and reduce the potential impact of administrative facilities on park resources.

The section further authorizes the Secretary to enter into joint arrangements with State and local governments and others to provide for infrastructure development. This authority will permit the Secretary to realize cost savings, and to locate non-essential utility systems on non-park lands, thereby reducing potential impact to park resources.

#### SECTION 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS

Section 5 eliminates the following reports:

1. Report on: Proposals for Acquisition of Capital Equipment or Land for National Park System Transportation Projects. The Secretary is authorized to provide transportation alternatives to reduce the use of private vehicles which "may diminish the natural and recreational value of" the parks. This report details the acquisition of equipment and/or property to accomplish this task. This information is provided through the budget process.

2. Report on: Recommended Changes in the List of Chaco Culture Archaeological Protection Sites. The Chaco National Historical Park enabling legislation directs the Secretary of the Interior "to search for additional evidences of Chacoan sites" and submit recommendations for deletions or additions in a report to Congress. Additions or deletions from this list "shall be made only by an Act of Congress." The report is produced as needed at a cost of approximately \$1,500.

3. Report on: Report on Carrying Capacity for the Isle au Haut Portion of Acadia National Park. The carrying capacities for the Isle au Haut portion of Acadia National Park were established and reported in 1984. The requirements have been met.

4. Report on: Wolf Trap-Filene Center Grant Report. Wolf Trap-Filene Center was given a grant to repair fire damage. The Foundation was required to report to Congress on a quarterly basis concerning the progress and goals on reconstruction. The grant was disbursed and construction has been completed.

5. Report on: National Trails System Plan. The Secretary of the Interior is to report to Congress biennially on a National Trails System Plan "in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community." The report is to indicate the extent and scope of a completed nationwide system, including scenic and historic components and other trails that would complete a comprehensive plan. Such a report would be extremely costly to complete and has never been done due to lack of funds.



6. Report on: Maintenance Management System Progress Report. The NPS was directed to establish a maintenance management program and to report to Congress on the status of the implementation process. The system is now in place.

7. Report on: National Visitor Center Report. The Secretary of the Interior was directed to report annually to Congress on the status of the National Visitor Center at Union Station Plaza. The Center no longer exists.

8. Report on: Land and Water Conservation Fund Grants-in-Aid Program Report. This annual report to Congress on each State grant program includes a description of the projects and the estimated cost of completion.

9. Report on: National Park Service Plan. This annual report is used as a guide to identify natural and historic themes of the United States, from which areas can be selected for future park units. The report costs approximately \$100,000 to produce. Due to staff and financial restraints, the report is done approximately every five years.

10. Report on: Appalachian Trail Report. This annual report lists land acquired and estimated to be acquired for the Appalachian Trail. Report also includes land planned for acquisition and cost for the coming fiscal year.

11. Report on: Delaware Water Gap National Recreation Area Commission. This annual report by the Citizen Advisory Commission documents its findings and conclusions along with recommendations on legislation and administrative actions it considers appropriate. The cost of the report is approximately \$10,000.

12. Report on: Southwestern Pennsylvania Heritage Preservation Commission Report. This annual report by the Commission specifies the amount, recipient, and purpose of any loan, grant, or technical assistance provided and an analysis of actions taken during the previous year to preserve the resources of the area.

13. Report on: Innovation Grants for Urban Parks and Recreation. This annual report outlines the achievements of the urban park innovation grant program, "with emphasis on the nationwide implications of successful innovation projects." The report costs approximately \$3,400 to prepare.

14. Report on: Youth Conservation Corps Report. This annual joint report of the Secretary of the Interior and the Secretary of Agriculture details the activities of the Youth Conservation Corps program and recommendations.

15. Report on: Notification Setting Forth Reasons for Making a Historic Preservation Act Regulation Effective Prior to Expiration of 30-Day Period In an emergency case, the Secretary of the Interior must notify Congress of reasons for making a final regulation effective prior to the end of the 30-day comment period following publication in the Federal Register.

16. Report on: Archeological Resources Protection Report. Congress authorized the establishment of archeological resources protection programs to protect and increase awareness of such resources located on "public lands and Indian lands." A report regarding the actions taken under these programs is

to be submitted annually. This report costs NPS approximately \$38,000 plus Field Area costs.

17. Report on: Archaeological Resources Protection Report Annual. This annual report outlines the scope and effectiveness of historical and archaeological data preservation programs, indicating the projects surveyed, results, and costs incurred.

18. Report on: Notice of Expenditure Exceeding \$1,000,000 for Acquisition of Land, Waters, or Interests Therein. This report under the Land and Water Conservation Act provides notification of an expenditure exceeding \$1 million or more for land acquisition. This notification is accomplished through the budget process.

19. Report on: Petroglyph National Monument Report. This report on status of expansion agreement, costs, and proposed alterations to the Petroglyph National Monument Expansion Agreement is to be submitted at five-year intervals beginning in 1993.

20. Report on: National Historic Preservation Act Proposed and Final Regulations Notice. The proposed and final regulations under the National Historic Preservation Act must be transmitted to the Committee prior to their publication in the Federal Register.

21. Report on: National Historic Landmark Boundary Changes Report. Boundaries for National Historic Landmark districts "for which no boundaries have been established" must be reported to Congress and published in the Federal Register.

#### SECTION 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE

Section 6 provides for the Senate confirmation of the Director of the NPS. This language provides for the appointment of the Director of the NPS in a manner similar to the other land management agencies within the Interior Department (Bureau of Land Management and U.S. Fish and Wildlife Service). The bill also provides for the Director to have professional qualifications and experience for the position to avoid a succession of directors who spend a substantial portion of their tenure getting to know the agency. This is particularly critical in an agency as decentralized as the NPS. To more effectively represent the various NPS constituencies, the legislation provides for the establishment of two deputy directors: the first to focus on operation of the park system and the second to focus on other program responsibilities of the agency.

#### SECTION 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION

Section 7 provides for the reauthorization of the National Park System Advisory Board. The statutory authorization for this board expired a year ago, and the importance of the board is reflected in the fact that it has been reconstituted administratively. Over the years, this board has proven useful to the Director of the NPS and the Secretary of the Interior in addressing complex and controversial issues facing the agency.

The legislation requires that the board be comprised of persons representing each of the geographic regions of the park system and

also specifies certain areas of expertise which board Members must possess. The board is authorized for a 10-year period at a cost not to exceed \$200,000 per year.

#### SECTION 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY

Section 8 provides broad authority for the Secretary of the Interior to enter into challenge cost-share agreements for carrying out the purposes of the mission of the NPS. Annual Department of the Interior appropriation acts have specified ceilings for the use of this authority over the last several years. The results of this program have been very effective. In a time of limited Federal dollars, this authority is needed to permit the leverage of limited Federal dollars. The Committee believes that this authority should be expanded to all program areas of the agency.

#### SECTION 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES

Section 9 amends Public Law 101-337 to permit the NPS to recover costs for harm to terrestrial resources in the same manner that the underlying law permits the agency to recover costs for marine resources.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2941 will have no significant inflationary impact on prices and costs in the operation of the national economy.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2941. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2941 does not contain any new credit authority, or an increase or decrease in tax expenditures. The bill as reported does contain new budget and spending authority.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2941.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2941 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 16, 1996.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2941, the National Park Service Administrative Reform Act of 1996.

Enacting H.R. 2941 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2941.

2. Bill title: The National Park Service Administrative Reform Act of 1996.

3. Bill status: As ordered reported by the House Committee on Resources on June 19, 1996.

4. Bill purpose: To address funding shortages and other difficulties faced by the National Park Service (NPS) in carrying out its employee housing program, section 2 of H.R. 2941 would provide the agency with extensive new authorities, including:

The authority to lease Federal land (for up to 50 years) to a contractor, who would construct employee quarters and other essential amenities (such as day care and recreational facilities) in exchange for employee rental payments and a Federal guarantee of a 97 percent occupancy rate;

The authority to rent non-Federal land or buildings for constructing and/or using as employee quarters;

The authority to provide funds or in-kind contributions to reduce a contractor's costs of planning, construction or rehabilitation;

The authority to enter into contracts of unspecified lengths with companies to manage, repair, and/or maintain employee housing;

The authority to sell to employees housing located on Federal lands or to lease Federal land to employees for the purpose of building homes;

The authority to lease quarters near park units for seasonal employees (if this would be less expensive than constructing quarters) and charge reasonable rents that may be less than the costs of providing the quarters; and

The authority to retain and spend any proceeds from the sale or lease of Federal land or quarters authorized by this legislation.

In addition, section 2 would establish new statutory criteria for determining when the NPS may provide housing (such as the affordability of "suitable" local housing) and would specifically authorize the agency to provide housing and a number of other amenities such as daycare to not only Federal employees but also park volunteers, concessionaire workers, and others.

Finally, this section would direct the Secretary of the Interior to establish the rental rates for all quarters occupied by field employees, including those constructed, owned, and/or managed by non-Federal entities. Annual increases in such rates could not exceed the Consumer Price Index Residential Rent Series adjustment factor.

Other sections of H.R. 2941 would amend the authority of the NPS to make minor adjustments to the boundaries of park units, require Senate confirmation of the appointment of the director of the NPS, and repeal certain unnecessary reporting requirements.

5. Estimated cost to the Federal Government: The most significant budgetary impact of enacting H.R. 2941 would stem from section 2, which would authorize new methods of providing housing to Federal employees and other persons who work in national park units. CBO believes that the broad contracting authorities created by this section could increase Federal direct spending by \$300 million to \$500 million over the next five years. While it is likely that some of the money spent under these new authorities will be spent in the absence of any legislation, such spending would be subject to appropriation under existing law and would probably be spread out over a greater number of years. Moreover, enacting the bill could increase the total costs of providing employee housing by removing the housing program from the constraints of the appropriations process and by broadening the scope of the program. Many provisions of section 2 could make some individual housing projects more expensive and some cheaper, but the net effect of such provisions is uncertain.

## SECTION 2

The provisions of section 2 would affect all activities and transactions associated with providing employee housing, including: (1) capital projects such as major rehabilitation of existing quarters and construction of new housing units, (2) annual management and maintenance of employee quarters, and (3) offsetting receipts from rental charges to employees.

*Capital Projects.*—CBO estimates that the NPS will need significant new funding in the near future to address its current backlog of housing repair, rehabilitation, and replacement needs. Moreover,

the agency will probably need additional amounts to expand the existing housing stock at larger parks, particularly in the west, in order to address long-standing housing shortages as well as future needs created by the agency's current efforts to relocate central office personnel to the field. The costs of this undertaking are very uncertain, but we believe that the agency will probably need about \$500 million over the next five years if it is to avoid further deterioration of its housing stock and alleviate severe housing shortages at some parks.

The NPS is already authorized to rehabilitate or construct employee housing under current law, but H.R. 2941 would provide new options for financing housing projects. In addition, the bill could cause the NPS to expand its housing program by allowing the agency to provide employee quarters outside of park boundaries and by specifically permitting the agency to consider the affordability of local private housing and any other factors it deems appropriate.

H.R. 2941 would provide a means of meeting housing needs through the use of direct spending authority. Hence, the major effect of implementing section 2 on the Federal budget would be to exempt construction costs that are currently subject to the appropriations from having to go through that process, thereby creating new mandatory spending. For example, the bill's lease-to-build provisions would change the budgetary treatment of some capital project expenditures, all of which are currently funded through appropriations to the NPS construction account. Projects funded under the bill's provisions would be accounted for as either lease-purchases or capital leases, as appropriate. Under the budget scorekeeping rules required by the Budget Enforcement Act of 1990, all associated costs of such projects, including any upfront cash contributions to the contractor, would be treated as either borrowing authority or contract authority, respectively. CBO believes that relatively few park units—for example, large parks such as Yellowstone or Yosemite that are planning large-scale housing projects—would be able to take advantage of the bill's new financing authorities; therefore, not all of the agency's future construction costs would result in new mandatory spending.

*Annual Operating and Maintenance of Quarters.*—Section 2 also would authorize the NPS to enter into contracts with a private entity to manage and maintain park housing. Such operating contracts would not be subject to appropriation and could be of any length. If implemented, this authority would increase mandatory spending, but there is no basis for estimating such costs.

At present, about one-half of all expenses associated with operating and maintaining employee quarters are funded by rental charges. Offsetting receipts from employee rents (currently about \$12 million annually) are deposited to a special fund in the U.S. Treasury and may be spent without appropriation. Because rental rates have never been sufficient to cover the costs of the housing program, the agency uses appropriations to its operating account to fund cyclical maintenance and repairs. As a result of recent budget constraints, the agency has delayed many of these activities, resulting in significant deterioration of many housing units. By using the contract authority that would be provided by section 2, the NPS

would be able to circumvent the appropriations process and fund the full costs of maintaining employee housing at some or all parks. The costs of performing some of these activities would be higher under the contractor than if done by park employees. In addition, the NPS would have to pay a management fee.

*Employee Rental Receipts.*—Section 2 would require the Secretary of the Interior to establish all rental rates charged to employees. The bill would limit annual rate increases to the CPI, which would severely constrain the NPS from phasing in much-needed increases. Currently, employee rents are well below market rates—often by as much as 60 percent—and are already insufficient to cover the expenses of operating the housing program. If the agency is not permitted to implement planned increases, rentals receipts (and associated direct spending) would be lower than under existing law. The resulting shortfall would have to be funded through either discretionary appropriations or higher payments to a management contractor. For parks where such contracts would be impractical, the housing stock would continue to deteriorate, resulting in even greater future costs to rehabilitate or replace dilapidated units.

*Other Effects on Direct Spending.*—Section 2 also would permit the NPS to retain and spend without appropriation any amounts earned from leases or sales of land or quarters. Implementing this provision for proceeds related to leasing activities would have no net impact on the federal budget because the NPS is already authorized to spend proceeds from leasing of living quarters to employees, and the receipt and spending of proceeds from leasing federal lands would offset each other. However, spending of proceeds from sales to employees would result in a net cost for pay-as-you-go purposes because the sale of employee housing would be considered an asset sale under provisions of the Balanced Budget Act. As such, the sale receipts would not be counted under the pay-as-you-go requirements, while the expenditure of amounts collected from such sales would increase direct spending. CBO expects that the amounts collected from such sales would be small, however, because in most cases the NPS would be reluctant to sell housing, and employees would be unable to buy it. Thus, we expect that the amount of any asset sales and associated direct spending would be less than \$500,000 in any given fiscal year.

#### OTHER SECTIONS

Section 4 of the bill, which would authorize the NPS to lease private lands in the vicinity of a park and to construct thereon essential park facilities, could also result in new mandatory budget authority and outlays, but CBO has no basis for estimating such spending.

Section 9 of the bill also would affect direct spending by allowing the NPS to retain and spend amounts recovered from those who damage certain park resources. Such amounts, which are usually insignificant, are currently deposited to the general fund of the U.S. Treasury.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or re-

ceipts through 1998. CBO estimates that enacting H.R. 2941 would affect direct spending. Such spending could total \$300 million to \$500 million over the next five years.

7. Estimated impact on State, local, and tribal governments: H.R. 2941 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on State, local, or tribal governments.

8. Estimated impact on the private sector: This bill would impose no new Federal private-sector mandates as defined in Public Law 104-4.

9. Previous CBO estimate: None.

10. Estimate prepared by: Federal Cost Estimate: Deborah Reis. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Patrice Gordon.

11. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2941 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

### SECTION 7 OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

#### ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

##### SEC. 7. (a) \* \* \*

\* \* \* \* \*

(c) BOUNDARY CHANGES: DONATIONS.—Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the **[Committee on Natural]** *Committee on* Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other description in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to such area~~]~~: *Provided, however,* That such authority shall apply only to those boundaries established subsequent to January 1, 1965]; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his



authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. *In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:*

*(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.*

*(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.*

*(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.*

*(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.*

*(5) The proposed boundary has been subject to a public review and comment period.*

*(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.*

*Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto.*

\* \* \* \* \*

## ACT OF AUGUST 18, 1970

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

\* \* \* \* \*

[SEC. 4. The Act of March 17, 1948 (62 Stat. 81), is amended by deleting from section 1 thereof the words "over which the United

States has, or hereafter acquires, exclusive or concurrent criminal jurisdiction,” and changing section 3 to read as follows:

【“SEC. 3. For the purposes of this Act, the environs of the District of Columbia are hereby defined as embracing Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia, and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland.”】

**SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.**

(a) *AUTHORITY.*—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

- (1) avoid undue degradation of the primary natural or cultural resources within the unit;
- (2) enhance service to the public; or
- (3) provide a cost saving to the Federal Government.

(b) *AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.*—For the purpose of establishing facilities under subsection (a):

(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may lease or acquire (from willing sellers only) by purchase or donation, real property (other than Federal land), for the purposes specified in this section.

(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity, or the appearance of integrity, of the Department's programs or of any official involved in those programs.

(4) The Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement

*with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.*

(c) *COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.—The Secretary is authorized to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing.*

\* \* \* \* \*

SEC. 8. (a) \* \* \*

[(b) The Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, “National Park System Plan”, which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.]

\* \* \* \* \*

### SECTION 302 OF THE ACT OF AUGUST 15, 1978

AN ACT To authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes.

\* \* \* \* \*

SEC. 302. (a) \* \* \*

\* \* \* \* \*

[(c) Acquisitions pursuant to subsection (b) (3) and (4) of this section shall not commence prior to sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) from the time the Secretary has submitted a detailed proposal for such acquisitions to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.]

\* \* \* \* \*

### SECTION 503 OF THE ACT OF DECEMBER 19, 1980

AN ACT To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

\* \* \* \* \*

[SEC. 503. The Secretary of the Interior shall continue to search for additional evidences of Chacoan sites and submit to Congress within two years of date of enactment of this Act and thereafter as needed, his recommendations for additions to, or deletions from, the list of archaeological protection sites in section 502(b) of this

title. Additions to or deletions from such list shall be made only by an Act of Congress.】

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#### SECTION 4 OF THE ACT OF OCTOBER 15, 1982

AN ACT Relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine.

\* \* \* \* \*

SEC. 4. (a) \* \* \*

【(b) In furtherance of the purpose of subsection (a) of this section, the Secretary shall prepare a report establishing carrying capacities for the Isle au Haut portion of Acadia National Park. The report shall be prepared and the carrying capacities established with public participation and in consultation with the town of Isle au Haut and other interested parties.

【(c) The Secretary shall transmit the report to the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives no later than six months from the date of enactment of this Act. The Secretary shall begin implementing the carrying capacities contained in the report sixty days after the report has been transmitted to the committees.】

\* \* \* \* \*

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#### SECTION 7 OF THE ACT OF OCTOBER 15, 1966

AN ACT To provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes.

\* \* \* \* \*

【SEC. 7. Following disbursement of any grant under this Act for the reconstruction of the Center, the Secretary shall submit quarterly reports to the appropriate committees of the United States House of Representatives and the United States Senate setting forth the progress of the reconstruction, any present or anticipated problems of any type, the financial projections for remaining work, and the progress made by the Foundation in raising funds for purposes of the reconstruction. The report shall set forth quarterly goals respecting the reconstruction of the Center and shall compare the performance during the prior quarter to the goals set forth for that quarter.】

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#### NATIONAL TRAILS SYSTEM ACT

\* \* \* \* \*

##### NATIONAL TRAILS SYSTEM

SEC. 3. (a) \* \* \*

\* \* \* \* \*

【(c) On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives

and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community.】

\* \* \* \* \*

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a)(1) \* \* \*

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following the date of enactment of this sentence. 【Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives:

【(A) the amount of land acquired during the fiscal year and the amount expended therefor;

【(B) the estimated amount of land remaining to be acquired; and

【(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.】

\* \* \* \* \*

#### SECTION 4 OF THE ACT OF OCTOBER 24, 1984

AN ACT To amend the Volunteers in the Parks Act of 1969, and for other purposes.

\* \* \* \* \*

SEC. 4. (a) \* \* \*

【(b) The National Park Service shall transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, at the end of each fiscal year, a copy of a report summarizing the status of implementation of a maintenance management system until such a system has been implemented.

【The report shall incorporate the following information:

【(1) the number of units in the National Park System that have implemented a maintenance management system during the period;

【(2) contract costs versus management efficiencies achieved;

【(3) the total amount of dollars spent on contracts for services; and

【(4) estimation of the total value of benefits achieved through greater management efficiency.】

**SECTION 106 OF THE NATIONAL VISITOR CENTER  
FACILITIES ACT OF 1968**

SEC. 106. (a) \* \* \*

[(b) The Secretary shall submit annually a report to Congress on the National Visitor Center authorized by this title and on all other visitor facilities authorized in accordance with this Act, including the amendments made by this Act.]

**ACT OF SEPTEMBER 3, 1964**

AN ACT To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

**TITLE I—LAND AND WATER CONSERVATION PROVISIONS**

\* \* \* \* \*

**FINANCIAL ASSISTANCE TO STATES**

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) \* \* \*

\* \* \* \* \*

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—  
(1) \* \* \*

\* \* \* \* \*

[(7) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit, so as to be received by the Secretary no later than December 31, such evaluation to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50–50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.]

\* \* \* \* \*

**ALLOCATION OF MONEYS FOR FEDERAL PURPOSES**

SEC. 7. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) \* \* \*

\* \* \* \* \*

(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings "NATIONAL PARK SYSTEM; RECREATIONAL AREAS" and "NATIONAL FOREST SYSTEM" in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or \$1,000,000, whichever is greater. [The Secretary of the Interior shall, prior to the expenditure of funds which would cause a statutory ceiling to be exceeded by \$1,000,000 or more, and with respect to each expenditure of \$1,000,000 or more in excess of such a ceiling, provide written notice of such proposed expenditure not less than thirty calendar days in advance to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.]

\* \* \* \* \*

#### SECTION 4 OF THE ACT OF OCTOBER 31, 1988

AN ACT To establish the Delaware Water Gap National Recreation Area Citizen Advisory Commission.

\* \* \* \* \*

##### SEC. 4. REPORTS.

[The Commission each year shall transmit to the Secretary of the Interior and to each House of the Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.]

#### SECTION 104 OF THE ACT OF NOVEMBER 19, 1988

AN ACT To establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes.

\* \* \* \* \*

##### SEC. 104. FUNCTIONS OF THE COMMISSION.

(a) \* \* \*

[(b) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made during the year for which the report is made. The Secretary shall submit an annual report to the Congress describing the loans, grants, and technical assistance provided under this Act. Such report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided and shall include an analysis of the adequacy of actions taken during the previous year to preserve, protect, and interpret the significant sites, buildings, and objects within the area; as well as the anticipated funds and personnel to

be made available by the Secretary during the next fiscal year to implement the provisions of this Act.】

\* \* \* \* \*

## **SECTION 1015 OF THE URBAN PARK AND RECREATION RECOVERY ACT OF 1978**

### **SUNSET AND REPORTING PROVISIONS**

SEC. 1015. (a) \* \* \*

【(b) On December 31, 1979, and on the same date in each year that the recovery program is funded, the Secretary shall report to the Congress on the annual achievements of the innovation grant program, with emphasis on the nationwide implications of successful innovation projects.】

## **SECTION 105 OF THE ACT OF AUGUST 13, 1970**

AN ACT To establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

\* \* \* \* \*

### **【SECRETARIAL REPORTS**

【SEC. 105. The Secretary of the Interior and Secretary of Agriculture shall annually prepare a joint report detailing the activities carried out under this title and providing recommendations. Each report for a program year shall be submitted concurrently to the President and the Congress not later than April 1 following the close of that program year.】

## **NATIONAL HISTORIC PRESERVATION ACT**

\* \* \* \* \*

### **TITLE I**

SEC. 101. (a)(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as “National Historic Landmarks” and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of the enactment of the National Historic Preservation Act Amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as “National Historic Landmarks” or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as



such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register [and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives.].

\* \* \* \* \*

### TITLE III

\* \* \* \* \*

SEC. 307. (a) [At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register.] Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

[(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.]

\* \* \* \* \*

## SECTION 10 OF THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979

### REGULATIONS; INTERGOVERNMENTAL COORDINATION

SEC. 10. (a) \* \* \*

\* \* \* \* \*

(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources. [Each such land manager shall submit an annual report to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate regarding the actions taken under such program.]

## SECTION 5 OF THE ACT OF JUNE 27, 1960

AN ACT To provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

\* \* \* \* \*

SEC. 5. (a) \* \* \*

\* \* \* \* \*

(c) The Secretary shall coordinate all Federal survey and recovery activities authorized under this Act [and shall submit an annual report at the end of each fiscal year to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate indicating the scope and effectiveness of the program, the specific projects surveyed and the results produced, and the costs incurred by the Federal Government as a result thereof.].

## SECTION 111 OF THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1990

### SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this title. [The Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, concurrently with the submission to Congress of the President's proposed budget for the second fiscal year beginning after the date of enactment of this title, and every 5 years thereafter, a report on the status of the agreement referred to in section 104(a), its associated costs, and any proposed alterations to the agreement.].

## ACT OF AUGUST 25, 1916

(Commonly referred to as the "National Park Service Organic Act")

CHAP. 408.—AN ACT To establish a National Park Service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director, [who shall be appointed by the Secretary and who shall receive a salary of \$4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at \$2,500 per annum; one chief clerk, at \$2,000 per annum; one draftsman, at \$1,800 per annum; one messenger, at \$600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than \$8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law. The service thus established shall promote and regulate the use of the Federal areas

known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purposes of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.】 *who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.*

\* \* \* \* \*

### ACT OF AUGUST 21, 1935

AN ACT To provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes.

\* \* \* \* \*

SEC. 3. (a) 【A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed sixteen persons, citizens of the United States who have a demonstrated commitment to the National Park System, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, anthropology, biology, geology, and related disciplines, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.】 *There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experi-*

ence in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.

(b)(1) *The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.*

(2) *Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.*

(c)(1) *Upon request of the Director, the Board is authorized to—*

- (A) *hold such hearings and sit and act at such times,*
- (B) *take such testimony,*
- (C) *have such printing and binding done,*
- (D) *enter into such contracts and other arrangements,*
- (E) *make such expenditures, and*
- (F) *take such other actions,*

*as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.*

*(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.*

*(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).*

*(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.*

*(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.*

*(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.*

**[(b)] (f)** The National Park System Advisory Board shall continue to exist until January 1, **[1995] 2006**. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

**[(c)] (g)** There is hereby established the National Park Service Advisory Council (hereafter in this section referred to as the "advisory council") which shall provide advice and counsel to the National Park System Advisory Board. Membership on the advisory council shall be limited to those individuals whose term on the advisory board has expired. Such individuals may serve as long as they remain active except that not more than 12 members may serve on the advisory council at any one time. Members of the advisory council shall not have a vote on the National Park System Advisory Board. Members of the advisory council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. Initially, the Secretary shall choose 12 former members of the Advisory Board to constitute the advisory council. In so doing, the Secretary shall consider their professional expertise and demonstrated commitment to the National Park System and to the Advisory Board.

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## ACT OF JULY 27, 1990

### SECTION 1. DEFINITIONS.

As used in this Act the term:

(a) \* \* \*

\* \* \* \* \*

[(d) “Park system resource” means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.]

(d) “*Park system resource*” means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

\* \* \* \* \*

(g) “*Marine or aquatic park system resource*” means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

## SEC. 2. LIABILITY.

(a) \* \* \*

(b) LIABILITY IN REM.—Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource *any marine or aquatic park resource* shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subsection (a).

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## A P P E N D I X

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
*Washington, DC, August 29, 1996.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
1324 Longworth HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for advising the Committee on Agriculture that on June 19, 1996, the Committee on Resources had ordered reported H.R. 2941, a bill whose original purpose was to improve the quantity and quality of the quarters of land management agency field employees. This Committee received an original additional referral of the bill.

Inasmuch as the draft report to accompany H.R. 2941, contained in your letter of June 19, 1996, indicates that the Committee on Resources had deleted references to living quarters for National Forest Service employees and restricts the effect of the bill as reported only to the National Park Services, the Committee on Agriculture wishes to waive further consideration of this bill and withdraw any objections to its consideration on the House Floor next week.

However, our waiver on consideration of H.R. 2941 should not be considered as precedent for any future referrals of similar measures relating to provisions in H.R. 2941 as originally introduced. Moreover, if this bill or any similar bill is conferenced with the Senate, this Committee reserves the right to request to be included as conferees.

As always your cooperation is appreciated.

Sincerely,

PAT ROBERTS, *Chairman.*

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